

**REMARKS/ARGUMENTS**

Applicant respectfully requests reconsideration of this application in view of the present amendments and the following remarks. By this amendment, claims 14, 15 and 24 are amended. As a result, upon entry of this amendment claims 1-30 are pending and at issue in this case, with claims 1, 2, 8, 14, 21, 24 and 28 being independent claims. It is believed that no additional fees are due for the consideration of this paper. However, if additional fees are due, the Commissioner is authorized to charge such fees to deposit account number 13-2855. A copy of this paper is enclosed.

**Amendments to the Claims**

It is respectfully submitted that the claims as amended above are supported by the application as originally filed in the Patent Office on July 31, 2001, that the amended claims satisfy the written description requirement and the other requirements of 35 U.S.C. § 112, and that no new matter is being added. Claim 14 is amended to more clearly recite that the cordless blind includes a drive actuator and a means for providing a resistant force. The amendment to claim 14 is supported by the application as originally filed at least at FIG. 2 and at page 10, line 11 through page 11, line 12, which describe a blind 12 having a drive actuator 20 coupled to the cords 30, 32, and a means for providing a resistant force in the form of a one-way tensioning mechanism 24 coupled to cord 30 to provide a resistant force on movement of one of the first and second cords 30, 32 in one direction. Claim 15 is amended to add "the" to acknowledge the antecedent basis for the "means for providing a resistant force" provided by claim 14.

Finally, claim 24 is amended to more clearly recite that the pulley provides a resistive force on the cord when the tension on the cord would cause the pulley to rotate in the opposite direction if the pulley was free to do so. The amendment to claim 24 is supported by the application as originally filed at least at FIGS. 5 and 8 and the accompanying text wherein the tension in the cord 30 indicated by the arrows tends to rotate the pulley 62 in the direction to cause the ratchet teeth 76 to engage the pawls 60 of the bracket 44 to prevent rotation of the pulley 62, with the friction between the cord 30 and cylinder 64 providing a resistive force on the cord 30. Therefore, Applicant respectfully submits that the amendments to claims 14, 15 and 24 do not present new matter and do not raise new issues,

and respectfully requests entry of the present amendments to claims 14, 15 and 24 and consideration of the claims as amended.

### **Response to Claim Rejections**

The Examiner has indicated in the Office action that claims 2-5, 8-13 and 21-23 are allowed. Claims 15-17 and 24-27 were rejected under 35 U.S.C. §112, second paragraph as being indefinite, claims 14, 15 and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by Wang *et al.* (U.S. Patent No. 6,024,154), and claims 1, 6, 7, 14, 19, 20 and 28-30 were rejected under §102(e) as being anticipated by Palmer (U.S. Patent Publication No. 2002/0033241 A1). Applicant respectfully traverses these rejections.

Regarding the indefiniteness rejections, as discussed above, claim 15 is amended to include "the" to acknowledge the antecedent basis for the "means for providing a resistant force" provided in claim 14. Claim 24 is amended to remove the perceived inconsistency by more clearly reciting that the resistive force on the cord is provided when the tension on the cord would cause the pulley to rotate in the opposite direction. Applicant respectfully submits that claims 14 and 24 are sufficiently definite to distinctly claim the subject matter the applicant regards as the invention, and respectfully requests withdrawal of the rejection of claims 15-17 and 24-27.

Regarding the rejections of claims 14, 15 and 18 under §102(b) in view of Wang *et al.*, as discussed above, claim 14 is amended to more clearly recite that the cordless blind includes a drive actuator and a means for providing a resistant force. One example of a drive actuator shown in FIG. 1 includes two spring motors 26 and corresponding cord spools 28. An example of a means for providing resistant force on movement in one direction is a one-way tensioning mechanism 24 as shown in the drawings and discussed in the accompanying text. Wang *et al.* does not disclose or suggest a drive actuator and a means for providing resistant force as recited in claim 14. Wang *et al.* teaches a Venetian blind having a pair of winding members 30 and a locating member 50. The winding members 30 are coupled to the cords 41 and provide the winding force to wind up the cords 41. The locating member 50 engages the winding members 30 to prevent the winding members 30 from moving in either direction, and may be disengaged to allow the winding members 30 to move in both

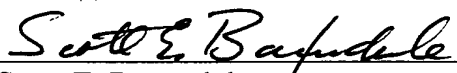
directions. Because the locating member 50 either provides a resistant force to movement in both directions, or provides no force resisting movement in either direction, it follows that the locating member 50 is not a means for providing a resistant force on the movement of the cords in one direction and not in the opposite direction. Consequently, Wang *et al.* does not anticipate or render obvious claims 14, 15 and 18, and applicant respectfully requests withdrawal of the rejection by the Examiner.

Regarding the rejection of claims 1, 6, 7, 14, 19, 20 and 28-30, applicant respectfully submits that the Palmer reference cited by the Examiner does not constitute prior art under 35 U.S.C. §102(e), or any other subsection of §102. The Palmer reference as filed contained an incorrect claim of priority under 35 U.S.C. §119(e) to U.S. Provisional Application No. 60/226,847. U.S. Provisional Application No. 60/226,847 was filed on August 22, 2000, and the Palmer reference was filed November 28, 2001, which is later than 12 months after the date on which the provisional application was filed. The applicant subsequently requested removal of the claim of priority for the Palmer reference via an Amendment After Notice of Allowance filed on January 22, 2004 (Attachment A), and the Amendment was entered by the Patent Office on March 4, 2004 (Attachment B). With the claim of priority having been removed from the Palmer reference, and the Palmer reference having a filing date of November 28, 2001, applicant respectfully submits that the Palmer reference does not constitute prior art to the present application. Moreover, the provisional application relates to a method and apparatus for in-store imaging of window coverings, and does not disclose or suggest the subject matter of the present application. For these reasons, applicant respectfully requests withdrawal of the rejection of claims 1, 6, 7, 14, 19, 20 and 28-30 in view of the Palmer reference and an indication of the allowability of the claims at the Examiner's earliest convenience.

For at least the foregoing reasons, reconsideration and withdrawal of the rejection of the claims and allowance of the currently pending claims are respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, she is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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**March 30, 2004**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/995,375	11/28/2001	Roger C. Palmer	077056-0367	3270

7590 03/04/2004  
MARSHALL GERSTEIN & BORUN LLP  
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MARSHALL GERSTEIN

EXAMINER

LEV, BRUCE ALLEN

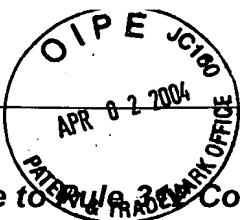
ART UNIT PAPER NUMBER

3634

DATE MAILED: 03/04/2004

\*Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
APR 06 2004  
GROUP 3600



# Response to Rule 312 Communication

Application No.

09/995,375

Applicant(s)

PALMER, ROGER C.

Examiner

Bruce A. Lev

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☐ The amendment filed on 26 January 2004 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☒ entered as directed to matters of form not affecting the scope of the invention.

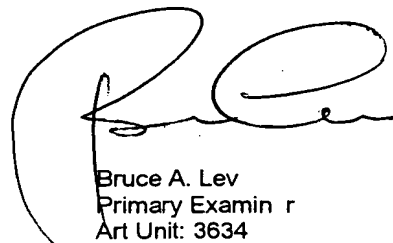
c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

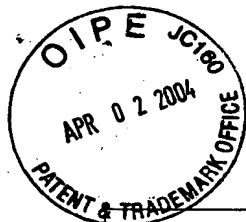
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

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GROUP 3600

  
Bruce A. Lev  
Primary Examiner  
Art Unit: 3634



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GROUP 360

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: January 22, 2004

Signature:

*Scott E. Baxendale*  
(Scott E. Baxendale)

PATENT

Attorney Docket No. 29498/30007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Roger C. Palmer

Application No.: 09/995,375

Group Art Unit: 3634

Filed: November 28, 2001

Examiner: Bruce A. Lev

For: VARIABLE FRICTION DEVICE FOR A  
CORDLESS BLIND

**AMENDMENT AFTER NOTICE OF ALLOWANCE PURSUANT TO 37 C.F.R. § 1.312**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This amendment is being filed pursuant to 37 C.F.R. § 1.312 (Rule 312) after a Notice of Allowance was received in the above-identified case on October 24, 2004 and contemporaneous with the payment of the issue fee and the submission of formal drawings, to correct an error in the claim of priority under 35 U.S.C. § 119(e) to U.S. Provisional Application No. 60/226,847. U.S. Provisional Application No. 60/226,847 was filed on August 22, 2000. The present application was filed on November 28, 2001, which is later than 12 months after the date on which the provisional application was filed. As a result, Applicant respectfully requests removal of the claim of priority to U.S. Provisional Application No. 60/226,847. The specification of the present application does not contain a specific reference to the provisional application and, consequently, no amendment to the specification is required to remove the priority claim.

Application No.: 09/995,375

Docket No.: 29498/30007

Accordingly, entry of the foregoing amendment to the priority claim is respectfully requested. Should the Examiner wish to discuss the foregoing or any matter of form in an effort to advance this application towards allowance, the Examiner is urged to telephone the undersigned at the indicated number.

January 22, 2004

Respectfully submitted,

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